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Counsel for Defendants

IN THE UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ANTHONY BENAVIDES, individually
 and on behalf of all others similarly
 situated,

Plaintiff,
 vs.

KELLOGG COMPANY, a Delaware
 Corporation; KELLOGG USA, INC., a
 Michigan Corporation; KELLOGG
 SALES COMPANY, a Delaware
 Corporation; and DOES 1 through 10,
 inclusive,

Defendants

) Case No. 2:10-CV-02294-JST (PJWx)
) Hon. Josephine Staton Tucker
)

) CLASS ACTION

) **STIPULATION AND [PROPOSED]**
) **ORDER FOR DISMISSAL OF**
) **ENTIRE ACTION WITH**
) **PREJUDICE PURSUANT TO**
) **FEDERAL RULE OF CIVIL**
) **PROCEDURE 41(a)(1)**
)
)

**TO THIS HONORABLE COURT, AND TO ALL PARTIES AND THEIR
ATTORNEYS OF RECORD:**

All parties to this action, *i.e.*, Plaintiff ANTHONY BENAVIDES (“Plaintiff”), by and through his attorney, Milstein Adelman, LLP, on the one hand, and Defendants KELLOGG COMPANY, KELLOGG USA, INC. and KELLOGG SALES COMPANY. (“Kellogg”), by and through its attorneys, Jenner & Block, LLP, on the other hand, HEREBY STIPULATE as follows:

This entire action should be and hereby is dismissed with prejudice, with each party (*i.e.*, Plaintiff and Kellogg) to bear its own fees and costs.

Dated: October 14, 2011

Respectfully Submitted,

MILSTEIN ADELMAN, LLP

/s/ Sara D. Avila

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